

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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4
5 NEAL MILLER and DONNA :
6 MILLER, Individually :
7 and as Administrators :
8 of the Estate of RYAN :
9 MILLER, :
10 : Plaintiffs, : NO. 2:20-cv-06301-ER
11 : vs. :
12 CITY OF PHILADELPHIA, :
13 et al., :
14 : Defendants. :
15

16 The video conference deposition of
17 LIEUTENANT JAMES CLOUGH on Wednesday, May 10, 2023,
18 commencing at 1:00 p.m. before Natalie J. Goldhill,
19 a Professional Reporter and a Notary Public in and
20 for the Commonwealth of Pennsylvania.
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1 A P P E A R A N C E S :

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I N D E X

WITNESS

PAGE

LIEUTENANT JAMES CLOUGH

Examination by Mr. Levin

4

- - E X H I B I T S - -

EXHIBIT NUMBER

DESCRIPTION

PAGE MARKED/
REFERENCED

Plaintiffs 1

Internal Affairs
Investigation
Materials

71/7

Plaintiffs 2

Screen Shots
Images from Video

71/61

- - -

<p style="text-align: right;">Page 4</p> <p style="text-align: center;">S T I P U L A T I O N S</p> <p>IT WAS STIPULATED AND AGREED by and between counsel for the respective parties that the reading, signing, sealing, and filing of the transcript is waived, and that all objections except as to the form of the question are reserved until the time of trial.</p> <p style="text-align: center;">- - - - -</p> <p>..... LIEUTENANT JAMES CLOUGH, was called as a witness, and after having been duly sworn remotely, according to the law, was examined and testified as follows:</p> <p style="text-align: center;">- - EXAMINATION - -</p> <p>BY MR. LEVIN:</p> <p>Q. Good afternoon, Lieutenant Clough. We met off the record. My name is Michael Levin. I'm representing the plaintiff in this case.</p> <p>My understanding is that you pretty much led an internal affairs department investigation into an incident that relates to this case. So we wanted to have you come in and just testify about the facts of that investigation and what it uncovered.</p> <p>Before I begin, have you ever given</p>	<p style="text-align: right;">Page 6</p> <p>A. Since 2007.</p> <p>Q. You don't have to go into great detail, but can you give me sort of a synopsis of your history with the Philadelphia Police Department, when you started, positions you've held, and so forth?</p> <p>A. I started in May of 1989. After the academy, I patrolled in the 26th police district. From there, I went to the anti-crime team. I did detailed SWAT for a year, I was in highway patrol for a year, I was in narcotics for a few years.</p> <p>I got promoted to the rank of sergeant in 2003, went to the 26th district as patrol supervisor, and then I got transferred in 2007 to internal affairs as a sergeant.</p> <p>I got promoted to lieutenant in 2015 and I remained in internal affairs and that's currently where I'm assigned to.</p> <p>Q. It sounds like through your history with the department, you've pretty much run the gamut through various assignments?</p> <p>A. Yes.</p> <p>Q. All right. Now you were involved in the investigation conducted by the IAD regarding a</p>
<p style="text-align: right;">Page 5</p> <p>testimony in a deposition setting before?</p> <p>A. Yes, I have.</p> <p>Q. Okay. So you're pretty familiar with the rules, I'm assuming. But since we're doing this by the Zoom platform, I want to stress let's try and not talk over one another. It makes it very difficult for the court reporter. Let me spit out my entire question and I'll certainly do my best not to step on your answer. It just makes it easier to keep a record of what's said.</p> <p>If for any reason I ask you a question you don't understand, let me know and I'll be glad to address that. All right?</p> <p>A. Okay.</p> <p>Q. Could you please state your full name for the record, sir.</p> <p>A. It's Lieutenant James Clough.</p> <p>Q. Okay. What is your current job title with the Philadelphia Police Department?</p> <p>A. I'm a lieutenant.</p> <p>Q. Okay. Where are you assigned?</p> <p>A. Internal affairs division.</p> <p>Q. How long have you been with internal affairs?</p>	<p style="text-align: right;">Page 7</p> <p>May 7th, 2019 incident in which Ryan Miller died in a collision with a tractor trailer. Correct?</p> <p>A. Yes.</p> <p>Q. My understanding is that internal affairs got involved to investigate a potential police department policy violation on the part of Police Officer Wolk. Is that correct?</p> <p>A. That's correct.</p> <p>Q. All right. We had been referring throughout these depositions, there were a couple this morning, to what we've marked as Plaintiff's Exhibit 1, which is a packet of documents, which I believe is the majority, if not the entirety, of the internal affairs file.</p> <p>So I'm going to put that up on the screen so it can facilitate our discussion a little bit. Okay?</p> <p>A. Okay.</p> <p>MR. KANE: Michael, I'm going to approach the computer so I can move your faces over to try to make it easier. No, this works. We can see the document below.</p> <p>MR. LEVIN: Okay.</p> <p>BY MR. LEVIN:</p>

<p>Page 8</p> <p>1 Q. What you see up on the screen, you're</p> <p>2 looking at the Complaint Investigation Worksheet?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Just to sort of get our</p> <p>5 bearings for the purpose of this discussion, you'll</p> <p>6 see in the lower right-hand corner of each of these</p> <p>7 pages, there's a sequential numbered Bates stamp,</p> <p>8 Defense 001 and it goes all the way through 189.</p> <p>9 We're not going to discuss mercifully</p> <p>10 every single one of those pages, but I do have some</p> <p>11 questions to ask you about some of this stuff.</p> <p>12 First off, could you tell me the</p> <p>13 circumstances before we dive into the documents</p> <p>14 about how you got involved in this investigation?</p> <p>15 A. Internal affairs somehow became</p> <p>16 notified about a social media posting regarding the</p> <p>17 incident or the accident and an investigation was</p> <p>18 launched and it was assigned to me.</p> <p>19 Q. Okay. Ultimately, that investigation</p> <p>20 concluded that there had been violations of some</p> <p>21 department policies. Correct?</p> <p>22 MR. KANE: Objection to form.</p> <p>23 THE WITNESS: Yes.</p> <p>24 BY MR. LEVIN:</p>	<p>Page 10</p> <p>1 Q. Okay. So that would relate to</p> <p>2 proceedings to dismiss him from the police force as</p> <p>3 opposed to charging him criminally. Correct?</p> <p>4 A. Correct. They arrested -- it says</p> <p>5 arrested, no, but someone can be Gnioteked -- that</p> <p>6 is the official proceeding to conduct the dismissal.</p> <p>7 That could also be departmental violations, not just</p> <p>8 criminal.</p> <p>9 Q. All right, understood. Starting to go</p> <p>10 through, the face page indicates that you're the</p> <p>11 investigator assigned. It looks like some superiors</p> <p>12 I guess signed off on the report that you prepared?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. I can see that one of those is</p> <p>15 Commanding Officer Deborah Francis. It looks like</p> <p>16 she signed off on it on October 3rd, 2019?</p> <p>17 A. Yes.</p> <p>18 Q. I can't make out that signature below</p> <p>19 at all, but the next person is October 9th. Are you</p> <p>20 familiar with who that signature is?</p> <p>21 A. That signature should be Chief</p> <p>22 Inspector Chris Flacco, F-L-A-C-C-O.</p> <p>23 Q. Flacco. Okay, thank you. Next on</p> <p>24 Page 003, this appears to be just an index of the</p>
<p>Page 9</p> <p>1 Q. That's reflected on this first page,</p> <p>2 Defense 01, indicating the department violation</p> <p>3 sustained. Correct?</p> <p>4 A. Correct.</p> <p>5 Q. If we go a little bit further down the</p> <p>6 page, it indicates the specific policy which was</p> <p>7 violated, which was Philadelphia Police Department</p> <p>8 Directive 9.4, which pertains to vehicle pursuits.</p> <p>9 Am I correct?</p> <p>10 A. Correct.</p> <p>11 Q. All right. This also indicates that</p> <p>12 there were not going to be any criminal charges</p> <p>13 filed against Officer Wolk as a result of this.</p> <p>14 Right?</p> <p>15 A. Well, there are no criminal charges.</p> <p>16 It doesn't indicate that there is or there isn't.</p> <p>17 Q. Okay. My understanding because I</p> <p>18 asked this today, this is the big thing I learned,</p> <p>19 the field there which indicates that he was not</p> <p>20 Gnioteked means that he wasn't provided with any</p> <p>21 kind of notification that there might be criminal</p> <p>22 charges coming his way. Is that fair to say?</p> <p>23 A. Gniotek means that there was no</p> <p>24 official proceeding to dismiss Officer Wolk.</p>	<p>Page 11</p> <p>1 documents that are contained in the file along with</p> <p>2 the report. Is that a fair characterization?</p> <p>3 A. Yes.</p> <p>4 Q. All right. Beginning on Page 004,</p> <p>5 which we're looking at right now, this is sort of a</p> <p>6 memorandum form report about this investigation. Is</p> <p>7 that correct?</p> <p>8 A. Correct.</p> <p>9 Q. All right. Did you prepare the bulk</p> <p>10 of this report?</p> <p>11 A. Yes, I did.</p> <p>12 Q. Okay. Did anybody else do any</p> <p>13 substantive work on the contents of the report that</p> <p>14 you're aware of?</p> <p>15 MR. KANE: Objection to the form. You</p> <p>16 can answer.</p> <p>17 THE WITNESS: On this form</p> <p>18 specifically?</p> <p>19 BY MR. LEVIN:</p> <p>20 Q. Well, that was a poorly asked</p> <p>21 question. So let me try to clarify. I know that</p> <p>22 there were other officers involved in gathering</p> <p>23 information, gathering video, witness statements,</p> <p>24 things of that nature. Obviously all that stuff was</p>

<p>Page 12</p> <p>1 relied upon in coming up with your report.</p> <p>2 The actual contents of the memorandum</p> <p>3 here, to your knowledge, did anybody else write any</p> <p>4 substantial portion of the memorandum itself?</p> <p>5 A. No, they did not.</p> <p>6 Q. Okay. So this is your work product</p> <p>7 and basically putting it all together into a report</p> <p>8 form?</p> <p>9 A. Yes.</p> <p>10 Q. All right. By the way, before we</p> <p>11 delve into the contents of this, had you ever been</p> <p>12 involved in any other investigations for internal</p> <p>13 affairs which involved Officer Wolk?</p> <p>14 A. To my knowledge, no. I can't say a</p> <p>15 hundred percent.</p> <p>16 Q. Okay. Were you aware at any point in</p> <p>17 time that there had been prior investigations</p> <p>18 concerning Officer Wolk with internal affairs?</p> <p>19 MR. KANE: Objection to form. You can</p> <p>20 answer.</p> <p>21 THE WITNESS: I believe there have</p> <p>22 been others, yeah, at the time. Yes.</p> <p>23 BY MR. LEVIN:</p> <p>24 Q. Okay. Do you have any sense of what</p>	<p>Page 14</p> <p>1 Q. Okay. Do you know if the department</p> <p>2 has anybody monitoring social media like community</p> <p>3 groups, things of that nature?</p> <p>4 A. I don't know. I don't know the</p> <p>5 answer.</p> <p>6 Q. All right. So with respect to</p> <p>7 internal affairs' involvement in this type of</p> <p>8 matter, is it routine that you investigate all</p> <p>9 pursuits or was it a question of there was an</p> <p>10 indication that the policy may have been violated</p> <p>11 and that's what prompted the investigation?</p> <p>12 MR. KANE: Objection to the form. You</p> <p>13 can answer.</p> <p>14 THE WITNESS: Because of the</p> <p>15 allegations of the departmental violations is why</p> <p>16 this investigation commenced.</p> <p>17 BY MR. LEVIN:</p> <p>18 Q. Okay. My sense from reading this is</p> <p>19 that until the social media postings, it wasn't</p> <p>20 recognized that there even had been a pursuit and</p> <p>21 that raised some questions?</p> <p>22 MR. KANE: Objection to form. You can</p> <p>23 answer if you can.</p> <p>24 THE WITNESS: Ask that one more time.</p>
<p>Page 13</p> <p>1 the subject matter was at any point in time while</p> <p>2 you were working on this investigation?</p> <p>3 A. I don't know, honestly. I don't</p> <p>4 remember.</p> <p>5 Q. That's fine. Now let's just sort of</p> <p>6 go through this. We'll try and confine ourselves</p> <p>7 mostly to the memorandum portion of this, but I may</p> <p>8 have some questions about some of the supporting</p> <p>9 documents. Let's just sort of go through this</p> <p>10 initially.</p> <p>11 It looks like the first couple of</p> <p>12 paragraphs sort of provide a back story of how this</p> <p>13 investigation was commenced. Is that fair?</p> <p>14 A. That's fair, yes.</p> <p>15 Q. All right. You had mentioned earlier</p> <p>16 that internal affairs was notified of this accident</p> <p>17 and also was advised of some social media postings</p> <p>18 indicating that the accident followed a police</p> <p>19 pursuit?</p> <p>20 A. Correct.</p> <p>21 Q. Do you have any recollection as to how</p> <p>22 the social media postings came to the attention of</p> <p>23 IAD?</p> <p>24 A. I do not remember.</p>	<p>Page 15</p> <p>1 BY MR. LEVIN:</p> <p>2 Q. Yeah. Just reading through this, the</p> <p>3 sense that I got, and correct me if I'm wrong</p> <p>4 because I'm not trying to put words in anybody's</p> <p>5 mouth, but from reading through this, it sounds to</p> <p>6 me that when it was discovered there was a pursuit</p> <p>7 that preceded this accident and then I guess the</p> <p>8 department wasn't aware of there having been a</p> <p>9 pursuit, is that what triggered the investigation?</p> <p>10 MR. KANE: Objection to form. You be</p> <p>11 answer.</p> <p>12 THE WITNESS: That sounds right.</p> <p>13 Because of the accident and the allegation of a</p> <p>14 pursuit, yes.</p> <p>15 BY MR. LEVIN:</p> <p>16 Q. Okay. So there was something more</p> <p>17 there that hadn't really been known from just the</p> <p>18 occurrence of the accident itself.</p> <p>19 When it was discovered from the social</p> <p>20 media postings that people were saying that there</p> <p>21 was a pursuit that led up to this, the question then</p> <p>22 became what's the story with the pursuit, was there</p> <p>23 one.</p> <p>24 Is that pretty much the questions that</p>

<p>Page 16</p> <p>1 prompted the investigation?</p> <p>2 MR. KANE: Objection to the form. You</p> <p>3 can answer.</p> <p>4 THE WITNESS: That's accurate, yes.</p> <p>5 BY MR. LEVIN:</p> <p>6 Q. Okay. The police department has</p> <p>7 specific policies pertaining to the conduct of</p> <p>8 vehicular pursuits. Right?</p> <p>9 A. Yes.</p> <p>10 Q. Are you familiar with the substance of</p> <p>11 those policies as an investigator for internal</p> <p>12 affairs?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. There are basically certain</p> <p>15 circumstances under which a pursuit can be</p> <p>16 initiated. Is that fair?</p> <p>17 A. Yes.</p> <p>18 Q. Outside those circumstances, they're</p> <p>19 not permitted?</p> <p>20 A. They're pretty specific of when a</p> <p>21 pursuit's allowed.</p> <p>22 Q. Okay. We'll get to the actual policy</p> <p>23 because I do have that document to review, but it's</p> <p>24 my understanding that there has to be some kind of</p>	<p>Page 18</p> <p>1 or vans?</p> <p>2 A. Correct.</p> <p>3 Q. The same policy also opposes</p> <p>4 procedural requirements, what you're supposed to do</p> <p>5 when you initiate a pursuit. Is that fair?</p> <p>6 A. That's fair.</p> <p>7 Q. Okay. What does the policy require in</p> <p>8 terms of if there's a permissible pursuit that's</p> <p>9 initiated, what does the officer have to do?</p> <p>10 MR. KANE: Objection to form. Just to</p> <p>11 be clear, you're asking to the best of his</p> <p>12 knowledge. Correct?</p> <p>13 MR. LEVIN: Certainly.</p> <p>14 BY MR. LEVIN:</p> <p>15 Q. This is all based on your</p> <p>16 understanding. I'm not asking you to provide a</p> <p>17 legal interpretation. There's a document that will</p> <p>18 speak for itself. Obviously, this frames our</p> <p>19 conversation, I think.</p> <p>20 A. When pursuit is initiated and it's</p> <p>21 allowed, we look for things such as you have to be</p> <p>22 operating with lights and sirens, be aware of</p> <p>23 surroundings, conditions, notify police radio,</p> <p>24 updating police radio, the radio band you're</p>
<p>Page 17</p> <p>1 imminent threat to public safety or the person had</p> <p>2 to have committed some type of forcible felony. I</p> <p>3 may be paraphrasing there, but is that pretty much</p> <p>4 the circumstances where a pursuit could be</p> <p>5 initiated?</p> <p>6 A. Yeah, that's fair.</p> <p>7 Q. Okay. For a traffic offense, is a</p> <p>8 pursuit ever permissible under that particular</p> <p>9 directive?</p> <p>10 A. No.</p> <p>11 Q. Okay. Does the police department</p> <p>12 policy, or directive more accurately, does it limit</p> <p>13 the types of vehicles that it can engage in a</p> <p>14 vehicular pursuit?</p> <p>15 A. Yes.</p> <p>16 Q. And what are the vehicles that are</p> <p>17 permitted to engage in a pursuit when warranted?</p> <p>18 A. Are you asking what vehicles are?</p> <p>19 Q. Yeah. What kind of vehicles are</p> <p>20 allowed to engage in pursuits?</p> <p>21 A. Marked vehicles, specifically the</p> <p>22 sedan type of vehicle.</p> <p>23 Q. Okay. So would that be like passenger</p> <p>24 cars like the Ford Tauruses and so forth versus SUVs</p>	<p>Page 19</p> <p>1 supposed to be on, things such that. Number of</p> <p>2 vehicles engaged in the pursuit.</p> <p>3 Q. All right. Afterwards, is there</p> <p>4 supposed to be a memorandum submitted?</p> <p>5 A. Yes.</p> <p>6 Q. That's supposed to be done by the</p> <p>7 pursuing officer?</p> <p>8 A. Pursuing officer and if there's any</p> <p>9 other secondary additional units involved, they're</p> <p>10 supposed to do one for the monitoring supervisor and</p> <p>11 add comments, as well.</p> <p>12 Q. Okay, fair enough. So in any event,</p> <p>13 IAD learns of an accident that happened Tuesday, May</p> <p>14 7, 2019 shortly before 7:30 at Tacony and Fraley</p> <p>15 Street, which was a collision between the operator</p> <p>16 of a motorized scooter and a tractor trailer.</p> <p>17 The operator of the scooter died as a</p> <p>18 result of the accident. IAD then learns that people</p> <p>19 are saying there had been a pursuit before that and</p> <p>20 then an investigation is opened to determine the</p> <p>21 circumstances of whether there was a pursuit and</p> <p>22 whether there was a violation of policy. All of</p> <p>23 that a fair characterization of the beginning of</p> <p>24 this document?</p>

<p>Page 20</p> <p>1 A. Yes.</p> <p>2 Q. So you were assigned to head up the</p> <p>3 investigation?</p> <p>4 A. Yes, the investigation was assigned to</p> <p>5 me.</p> <p>6 Q. Okay. By whom?</p> <p>7 A. Well, they're normally by my</p> <p>8 commanding officer, but I don't recall who my</p> <p>9 commanding officer was at the time and who assigned</p> <p>10 it to me.</p> <p>11 Q. Okay. So some other IAD personnel who</p> <p>12 are referred to on this page as well, the paragraph</p> <p>13 that begins on Wednesday, 5-8-19. It looks like IAD</p> <p>14 personnel went out to the area, recovered various</p> <p>15 pieces of surveillance video and that showed a</p> <p>16 marked police SUV pursuing the scooter. Correct?</p> <p>17 A. It says RPC H, for Highway, 14.</p> <p>18 Q. Okay. What is RPC?</p> <p>19 A. Radio Patrol Car.</p> <p>20 Q. Okay. So the vehicle is what sort of</p> <p>21 allowed you to determine who was driving the</p> <p>22 vehicle. Correct?</p> <p>23 A. The vehicle number, is that what</p> <p>24 you're saying?</p>	<p>Page 22</p> <p>1 investigator at the time?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. He stated there -- first off,</p> <p>4 when you were preparing this summary, were you</p> <p>5 trying to summarize pretty much the substance of</p> <p>6 what Officer Wolk had said or was anything omitted?</p> <p>7 A. You broke off at the last part.</p> <p>8 Anything he said...</p> <p>9 Q. Or did you did you omit anything he</p> <p>10 said?</p> <p>11 MR. KANE: Objection to form. You can</p> <p>12 answer the question.</p> <p>13 THE WITNESS: It was a summary. So</p> <p>14 it's not word for word.</p> <p>15 BY MR. LEVIN:</p> <p>16 Q. Certainly, I understand. But you're</p> <p>17 trying to convey the substance of what his statement</p> <p>18 was?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So at the time when he gave his</p> <p>21 statement, I'm assuming you just reviewed the</p> <p>22 statement itself. Correct?</p> <p>23 A. To prepare this document and what I'm</p> <p>24 referring to in the document, yes, it was by that</p>
<p>Page 21</p> <p>1 Q. Yes.</p> <p>2 A. Yes. Based on the vehicle number,</p> <p>3 yes, we could determine who was driving.</p> <p>4 Q. Okay. It looks like there was a check</p> <p>5 of your computerized personnel database. I'm</p> <p>6 assuming that Officer Wolk was identified as the</p> <p>7 operator of that vehicle on that day?</p> <p>8 A. Yes.</p> <p>9 Q. All right. So the next section is</p> <p>10 Investigative Analysis. It seems from my</p> <p>11 read-through of this is this is your regurgitation</p> <p>12 of everything that was done during the course of the</p> <p>13 investigation and the evidence that was gathered.</p> <p>14 Is that fair?</p> <p>15 A. That's fair.</p> <p>16 Q. Okay. So the first thing that you</p> <p>17 mention is the date of the incident, a couple of</p> <p>18 hours later at 11:00 p.m., Officer Wolk went to IAD</p> <p>19 and provided a witness statement because he was --</p> <p>20 my understanding is he actually called in the</p> <p>21 accident, which you may or may not be able to</p> <p>22 confirm.</p> <p>23 What follows here is pretty much the</p> <p>24 summary of what Officer Wolk described to the IAD</p>	<p>Page 23</p> <p>1 statement.</p> <p>2 Q. Okay. So what Officer Wolk told the</p> <p>3 investigator from IAD is he had seen a motorized</p> <p>4 scooter traveling northbound on Tacony Street, saw</p> <p>5 that he didn't have a license plate, so he puts on</p> <p>6 his lights and sirens and attempts to initiate a</p> <p>7 traffic stop. That's all pretty routine up to that</p> <p>8 point. Correct?</p> <p>9 MR. KANE: Objection to form.</p> <p>10 THE WITNESS: Yeah, it seemed like it.</p> <p>11 BY MR. LEVIN:</p> <p>12 Q. Okay. Then Officer Wolk says the</p> <p>13 operator of the motorized scooter failed to stop,</p> <p>14 sped up, and began to travel northbound on Tacony,</p> <p>15 same direction he had been, but in the southbound</p> <p>16 lanes of traffic. Officer Wolk said that he was</p> <p>17 approaching a blind curve while operating in the</p> <p>18 wrong lanes of traffic.</p> <p>19 Are you familiar with the area where</p> <p>20 this incident occurred?</p> <p>21 A. Vaguely familiar.</p> <p>22 Q. Okay. Did anybody to your knowledge</p> <p>23 go out and confirm that there was actually a blind</p> <p>24 curve in that location?</p>

<p>Page 24</p> <p>1 A. I mean, I've been out to the scene, 2 I've been out to the area.</p> <p>3 Q. Okay. Do you have a sense from what 4 Officer Wolk said and the substance of what curve in 5 the roadway he's referring to? I'm aware of two.</p> <p>6 I guess what I'm asking is was he 7 referring to the roundabout near the Tacony bridge 8 entrance or the smaller curve near the Dietz & 9 Watson plant?</p> <p>10 A. I'm not aware of exactly where he was 11 referring to.</p> <p>12 Q. Okay. I guess I'll ask him. So that 13 point, Officer Wolk speeds past the scooter, 14 actually passes him, in an attempt to get to the 15 curve ahead of them.</p> <p>16 It states that he feared that the 17 operator of the scooter may have been driving under 18 the influence or possibly suicidal. He wants to 19 warn southbound traffic of the potential danger 20 ahead.</p> <p>21 It says, once he passes the scooter, 22 Officer Wolk observes the scooter's operator make a 23 U-turn and describes catching up to him on the 5400 24 block of James Street where he, once again, attempts</p>	<p>Page 26</p> <p>1 Is that correct?</p> <p>2 A. Well, you said he said he was 3 following. I don't see that in that report.</p> <p>4 Q. Okay. It says, Police Officer Wolk 5 turned eastbound onto Fraley Street from Eadom 6 Street and then began to turn onto southbound James 7 Street when he noticed the scooter and the operator 8 lying on the highway of Tacony Street and Fraley 9 Street.</p> <p>10 Maybe you didn't say he said that he 11 saw the scooter operator turn down Fraley Street, 12 but Officer Wolk turned down Fraley Street and it 13 appears that the operator of the scooter was further 14 down Fraley Street.</p> <p>15 So from that, does it sound like the 16 scooter operator had traveled down Fraley Street to 17 Tacony where the accident happened?</p> <p>18 A. That's what it seemed like to me, yes.</p> <p>19 Q. That's pretty much your summary of the 20 substance of Officer Wolk's testimony to IAD. 21 Right?</p> <p>22 A. Correct.</p> <p>23 Q. IAD also conducted a witness interview 24 with a gentleman named Gary Bove?</p>
<p>Page 25</p> <p>1 to initiate a traffic stop.</p> <p>2 First off, Tacony and James Street are 3 parallel. Correct?</p> <p>4 A. Yes, I believe they are.</p> <p>5 Q. Okay. So you didn't indicate in this 6 IAD statement what street the scooter operator 7 turned onto to reach James Street as far as I can 8 see. Is that fair?</p> <p>9 A. I'd have to look at the document. 10 Again, when I look at my summary...</p> <p>11 Q. Sure, sure. It relates that Officer 12 Wolk drove alongside the scooter on Scattergood 13 Street, instructed the operator to stop, stopped in 14 front of the scooter at Scattergood Street and James 15 where Officer Wolk exits the vehicle, grabs the 16 operator of the scooter by his shirt, but the 17 scooter operator managed to get away.</p> <p>18 Driver and the police vehicle then 19 flee down Eadom Street and apparently turned onto 20 Fraley Street from there, Police Officer Wolk 21 following, and he subsequently sees the operator of 22 the scooter lying on the highway at Tacony and 23 Fraley, at which point he arrives on the scene and 24 requests medics, calls in the accident essentially.</p>	<p>Page 27</p> <p>1 A. Yes.</p> <p>2 Q. Okay. You had a chance to review the 3 substance of that statement, as well. Correct?</p> <p>4 A. Yes, I did.</p> <p>5 MR. KANE: Just to be clear, are you 6 talking about in preparation for the deposition or 7 in his investigation?</p> <p>8 BY MR. LEVIN:</p> <p>9 Q. I'm assuming you certainly reviewed it 10 in connection with the investigation because you had 11 to summarize it for this report. Right?</p> <p>12 A. Right.</p> <p>13 Q. Okay. Did you have a chance to review 14 it before your testimony today?</p> <p>15 A. I did look at it, yes.</p> <p>16 Q. Okay. It was a written statement on 17 an IAD form. Is that fair to say?</p> <p>18 A. That's fair.</p> <p>19 Q. Okay. On that, he told Officer 20 Anderson from IAD he wasn't involved the accident, 21 merely witnessed the auto accident, and said that he 22 had been driving his vehicle in the area of 23 Scattergood Street when he noticed the police 24 officer attempting to grab a white male on a bike by</p>

<p style="text-align: right;">Page 28</p> <p>1 pulling him. He saw the white male pulling away, 2 taking off on the bike. Mr. Bove stated he 3 basically followed him down Eadom Street and then 4 down onto Fraley Street.</p> <p>5 Did you ever have the opportunity to 6 speak to Mr. Bove yourself in connection with your 7 investigation?</p> <p>8 A. I did not.</p> <p>9 Q. Okay. You had made the attempt 10 several times to connect with him. Hadn't you?</p> <p>11 A. Yes, I did.</p> <p>12 Q. Did he just fail to respond to your 13 inquiries?</p> <p>14 A. Correct. He failed to respond.</p> <p>15 Q. Is there any type of potential 16 consequence for the failure to respond in connection 17 with an investigation such as this?</p> <p>18 A. No.</p> <p>19 Q. Now there was also some video that was 20 recovered from various sources that showed Mr. Bove 21 sort of pretty engaged in this pursuit, as well. Is 22 that fair to say?</p> <p>23 MR. KANE: Objection to form. You can 24 answer.</p>	<p style="text-align: right;">Page 30</p> <p>1 you have a summary of what the IAD statement was 2 from the driver of the truck the scooter driver 3 collided with. I'm not going to ask you too much 4 about that because he realized there was a collision 5 and stopped, more or less.</p> <p>6 Then there's on Page 0006 a summary of 7 an IAD interview with Jennifer Scheffield who 8 witnessed part of what was going on. You reviewed 9 that statement, as well?</p> <p>10 A. Yes, I did.</p> <p>11 Q. All right. She had told the 12 investigator from IAD that she was outside Fibber 13 McGee's Bar, which is at Bridge and Eadom, I 14 believe?</p> <p>15 MR. KANE: Only if you know.</p> <p>16 THE WITNESS: Honestly, I don't know. 17 I'm not sure of the location of it.</p> <p>18 BY MR. LEVIN:</p> <p>19 Q. Okay, fair enough. It says it's 20 located at Bridge Street right before Tacony. She 21 said she saw the kid on the dirt bike run into the 22 rear of the patrol car and then take off. The 23 officer got out of his car and tried to grab the kid 24 on the dirt bike.</p>
<p style="text-align: right;">Page 29</p> <p>1 THE WITNESS: I'm just not 2 sure, engaged, what your interpretation is. 3 BY MR. LEVIN:</p> <p>4 Q. I'm not trying to make it a loaded 5 question. There's a portion of video and we'll show 6 it to you in a little bit, but I'm assuming you've 7 pretty much reviewed the video while you were doing 8 the investigation and the report. Correct?</p> <p>9 A. Correct.</p> <p>10 Q. There was some video that showed the 11 Bove vehicle sort of traveling along with the other 12 vehicles that were involved in this pursuit. 13 Correct?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. In fact, at one point after 16 this incident on Scattergood Street, it's actually 17 the Bove vehicle that's ahead of Officer Wolk's 18 vehicle following the scooter. Isn't it?</p> <p>19 A. Yes.</p> <p>20 Q. Ultimately, later on in your 21 investigation you came to find out that Mr. Bove 22 knew Officer Wolk or vice-versa. Correct?</p> <p>23 A. Yes.</p> <p>24 Q. So going down further, it looks like</p>	<p style="text-align: right;">Page 31</p> <p>1 Officer then got back into his car 2 when the kid took off. Police chased him and Ms. 3 Scheffield saw another car, light blue four-door 4 car, follow behind the officer's vehicle. She 5 stated the officer's emergency lights and sirens 6 were not on or operating.</p> <p>7 Now having sort of reviewed the 8 various statements and you've also seen video, does 9 it sound to you that this person is describing the 10 portion of the pursuit where Officer Wolk cut off 11 the scooter operator at Scattergood and Eadom, tried 12 to get out, and grab him by the shirt?</p> <p>13 MR. KANE: Objection to form. You can 14 answer.</p> <p>15 THE WITNESS: Yeah, I believe that's 16 the part where she is describing.</p> <p>17 BY MR. LEVIN:</p> <p>18 Q. Okay. She's sort of describing it as 19 the dirt bike runs into the rear of the patrol car, 20 but that's just sort of her characterization. 21 You've seen the video of that portion of the 22 pursuit. Right?</p> <p>23 A. I've seen it, yes.</p> <p>24 Q. Okay. So we can agree that at one</p>

<p>1 point during the pursuit, Officer Wolk manages to 2 sort of get out in front of the scooter, gets out of 3 his vehicle, and attempts to physically grab the 4 kid. Right?</p> <p>5 A. From the video, that's what it looks 6 like, yes.</p> <p>7 Q. Okay. I think that's later confirmed 8 by Officer Wolk. The kid manages to get away and 9 then both Officer Wolk and the vehicle driven by 10 Mr. Bove follow along. Is that fair?</p> <p>11 A. Well, it's Mr. Bove first, then the 12 officer.</p> <p>13 Q. Yes. She appears to have that 14 backwards. Would you agree?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. She had also been at the bar. 17 Right?</p> <p>18 A. That's where she was interviewed.</p> <p>19 Q. There you go. Do you know if there 20 was ever any subsequent attempt to interview her?</p> <p>21 A. I don't believe so, no.</p> <p>22 Q. Okay.</p> <p>23 A. Not by me.</p> <p>24 Q. All right. Then we have a summary of,</p>	Page 32	<p>1 As they went by his house, he 2 described the distance of how far the silver car was 3 from the scooter and then how far the police vehicle 4 was behind the silver car.</p> <p>5 Q. It looks like he also indicated that 6 the police vehicle, Officer Wolk's vehicle, didn't 7 have emergency lights activated nor a siren on?</p> <p>8 A. Correct.</p> <p>9 Q. That's also corroborated by Ms. 10 Scheffeld outside the bar and also by video. 11 Correct?</p> <p>12 A. Correct.</p> <p>13 MR. KANE: Objection to form. 14 BY MR. LEVIN:</p> <p>15 Q. All right. Now we've already sort of 16 discussed the basics of Officer Wolk's statement to 17 IAD. He subsequently talks to you and this is like 18 months later at internal affairs. Is that correct?</p> <p>19 A. Yes. Can I add one thing to the last 20 thing you summarized?</p> <p>21 Q. Yes.</p> <p>22 A. The video, the video didn't have any 23 audio. So I can't say for sure whether or not the 24 video corroborated the use of sirens or air horn.</p>	Page 34
<p>1 again, another witness, Robert Mattos. He was 2 interviewed by you. Is that correct?</p> <p>3 A. Correct.</p> <p>4 Q. All right. Could you describe what he 5 told you?</p> <p>6 MR. KANE: Objection to form. You can 7 answer.</p> <p>8 THE WITNESS: When I interviewed him, 9 he told me he was outside working on his vehicle and 10 he said that he saw at one point I believe the 11 police SUV go by and the scooter -- the scooter and 12 then the SUV go by and then they had -- the scooter 13 went through the parking lot I think of a storage 14 place or something.</p> <p>15 Then a couple minutes later, I think 16 he said he heard engines and then he heard the 17 scooter and saw it go by. Then he saw the silver 18 car go by following the scooter.</p> <p>19 Then he made his own conclusion I 20 guess that he believed that the silver car was 21 chasing the scooter. He even made his own 22 conclusion that he believed that the police SUV had 23 backed off and let the silver car take over and 24 engage in the pursuit.</p>	Page 33	<p>1 Q. Okay. You can only tell about the 2 lights from the video. Correct?</p> <p>3 A. Correct.</p> <p>4 Q. All right. That's a fair point to 5 make. I'm unaware of any -- I've seen some video, 6 certainly not everything that was gathered. I would 7 agree, for the record, that none of what I saw had 8 any audio attached to it.</p> <p>9 Nonetheless, the video does appear to 10 confirm that emergency lights were not activated on 11 the police SUV. Right?</p> <p>12 A. At various points during the videos 13 that we have, the lights are not on. At some 14 points, they are on.</p> <p>15 Q. Okay. My recollection is that the 16 lights were on right at the beginning I guess when 17 Officer Wolk was trying to make this traffic stop. 18 Is that fair?</p> <p>19 A. I would assume that's -- I would agree 20 with you there, yes.</p> <p>21 MR. KANE: Objection to form. 22 BY MR. LEVIN:</p> <p>23 Q. Okay. Just so we're clear, it's even 24 mentioned here right before you get into Officer</p>	Page 35

<p>Page 36</p> <p>1 Wolk's statement that you have a narrative 2 description of what the various videos show included 3 in the report itself. Correct? 4 A. Correct. 5 Q. All right. So in any event, you 6 personally get a chance to interview Police Officer 7 Wolk on September 4th at internal affairs. First 8 off, was he accompanied by counsel? 9 A. Yes, he had counsel. 10 Q. Okay. Do you know who that person 11 was? 12 A. It's been a few years. I don't 13 remember. 14 Q. Okay. I think it's actually indicated 15 on the statement that was transcribed. He tells you 16 he was working solo, basically an evening shift, six 17 p.m. to two a.m. that night. Right? 18 A. Correct. 19 Q. So he's fairly close, an hour, an hour 20 and a half into his shift when this happens. What 21 did he relate to you about what happened in this 22 incident? 23 A. I mean, from my memory? 24 Q. You can refer to the report. You</p>	<p>Page 38</p> <p>1 He continued northbound in the 2 southbound lanes past Fraley and approached a blind 3 turn. He recognized the danger to the southbound 4 motorists who may not have seen the scooter. He 5 drove past the scooter in an attempt to warn the 6 southbound motorists and then he added what we 7 talked about earlier, the scooter may have been 8 either intoxicated or suicidal. 9 Q. Okay. Let me stop you there and just 10 ask you a couple of questions. First off, did he 11 offer you any sense of why or what his basis for 12 believing the person was either intoxicated or 13 suicidal was? 14 A. No, he did not. 15 Q. Now at the point when he tries to pull 16 the person over and it's really just a traffic 17 offense pretty much. Correct? 18 A. That's what it appears, a traffic 19 offense. I mean, maybe he thinks it's a stolen 20 vehicle. 21 Q. Okay. So he tries to initiate a 22 traffic stop. I think we can agree that he doesn't 23 at that point have any reason to believe that this 24 is a violent felon or he had just committed a</p>
<p>Page 37</p> <p>1 don't have to talk about the pre-patrol inspection. 2 You can start from the part where he's in the area 3 of Tacony Street and Bridge Street. 4 MR. KANE: Objection to form. Only to 5 the extent that what we're looking at is a summary 6 and the full interview was 17. Just a little bit of 7 an issue here. 8 MR. LEVIN: Okay. 9 BY MR. LEVIN: 10 Q. Obviously, we'll get to the statement 11 itself later on and authenticate that for the 12 record. Could you go through what your summary 13 states that he said? 14 A. He told me he was near the Tacony 15 bridge on 5-7-19, approximately 7:25. He observed 16 the scooter, no tag, traveling westbound on Bridge 17 and went up at Tacony. He attempted to initiate an 18 investigation. He said he activated lights and 19 sirens. Disregarded the signal, which would be the 20 indications to stop. Refused. A few seconds 21 traveling northbound on Tacony in the left lane. 22 The scooter entered the southbound lanes of Tacony, 23 still traveling northbound against the flow of 24 traffic.</p>	<p>Page 39</p> <p>1 forcible felony, the circumstances that clearly 2 justify a pursuit under the applicable directive. 3 When the person starts to flee, what should he have 4 done at that point in time? 5 MR. KANE: Objection to form. You can 6 answer. 7 THE WITNESS: Absent those 8 circumstances we spoke about earlier, then he should 9 have disregarded and disengaged any further actions. 10 BY MR. LEVIN: 11 Q. Okay. Would it be reasonable to call 12 it into the radio to say that this happened. 13 Wouldn't it? 14 MR. KANE: Objection to form. You can 15 answer. 16 THE WITNESS: Yes. 17 BY MR. LEVIN: 18 Q. Okay. But the actual initiation of a 19 pursuit, not proper under the directive. Correct? 20 MR. KANE: Same objection. 21 THE WITNESS: Correct. 22 BY MR. LEVIN: 23 Q. At least not under the facts as we 24 know them from this. Correct?</p>

<p>Page 40</p> <p>1 A. Correct.</p> <p>2 Q. All right. So in any event, then it</p> <p>3 seems he tells you that as he approaches the blind</p> <p>4 curve ahead of the motor scooter, he sees the motor</p> <p>5 scooter makes a U-turn and now heading southbound on</p> <p>6 Tacony, which would take him back toward Bridge</p> <p>7 Street. Right?</p> <p>8 A. Yes.</p> <p>9 Q. Wolk then makes a U-turn, attempts to</p> <p>10 stop the motor scooter once again. It doesn't seem</p> <p>11 -- at least on this it's not clear where that</p> <p>12 occurs. Right?</p> <p>13 A. That's correct.</p> <p>14 Q. All right. He then relates the motor</p> <p>15 scooter turned onto Fraley Street from Tacony Street</p> <p>16 and then southbound onto James Street.</p> <p>17 So here he seems to indicate Fraley</p> <p>18 was how the scooter driver gets to James from Tacony</p> <p>19 where we didn't have that information on the initial</p> <p>20 AID report. Remember?</p> <p>21 A. Right.</p> <p>22 Q. Now Officer Wolk utilizes the</p> <p>23 vehicle's air horn. Again, we don't have anybody to</p> <p>24 support or deny that. Right?</p>	<p>Page 42</p> <p>1 Q. The whole part where he goes from</p> <p>2 southbound Eadom through a parking lot, doubles</p> <p>3 back, none of that appeared in his earlier statement</p> <p>4 to IAD?</p> <p>5 A. Correct.</p> <p>6 Q. All right. Did you review any video</p> <p>7 that showed that portion of what I'm going to call a</p> <p>8 pursuit?</p> <p>9 A. I do believe that there's some video</p> <p>10 of that.</p> <p>11 Q. Do you recall seeing during that</p> <p>12 sequence of events Officer Wolk actually gets</p> <p>13 alongside or slightly ahead of the scooter and makes</p> <p>14 a sharp right to try and get ahead of the scooter?</p> <p>15 MR. KANE: Objection to form. You can</p> <p>16 answer.</p> <p>17 THE WITNESS: Yeah, there is part of</p> <p>18 the video where he tries. I don't remember if it</p> <p>19 was right or left.</p> <p>20 BY MR. LEVIN:</p> <p>21 Q. Okay. We'll get to some screen grabs</p> <p>22 from that in a little bit. Based on your review of</p> <p>23 that video when Officer Wolk is next to this person</p> <p>24 on a motor scooter and turns sharply, does that</p>
<p>Page 41</p> <p>1 MR. KANE: Objection to form.</p> <p>2 THE WITNESS: Correct.</p> <p>3 BY MR. LEVIN:</p> <p>4 Q. It says, in an attempt to get the</p> <p>5 motor scooter to stop. The motor scooter again</p> <p>6 disregards the signal, turns onto a small street</p> <p>7 possibly Simon Street, turns onto southbound Eadom</p> <p>8 through a parking lot and doubles back traveling</p> <p>9 northbound on Eadom Street, at which point Officer</p> <p>10 Wolk briefly lost sight of the motor scooter,</p> <p>11 follows it down a small street onto southbound</p> <p>12 James. He says he continues to blow the air horn in</p> <p>13 an attempt to get the motor scooter to stop.</p> <p>14 Instead it continues on James, turns west onto</p> <p>15 Scattergood Street.</p> <p>16 Now it seems to me if we go back to</p> <p>17 the earlier statement that Officer Wolk gave to IAD,</p> <p>18 it sounds like we have some additional detail in</p> <p>19 this description that he gave to you that wasn't</p> <p>20 there. Is that fair to say?</p> <p>21 MR. KANE: Objection to form. You can</p> <p>22 answer.</p> <p>23 THE WITNESS: Yes.</p> <p>24 BY MR. LEVIN:</p>	<p>Page 43</p> <p>1 involve a risk that he might collide with that motor</p> <p>2 scooter or vice-versa?</p> <p>3 MR. KANE: Objection to form.</p> <p>4 Speculation. You can answer if you can.</p> <p>5 THE WITNESS: I can't comment on that</p> <p>6 specific question like that.</p> <p>7 BY MR. LEVIN:</p> <p>8 Q. Let me ask you this: in terms of sort</p> <p>9 of police policy or procedure, are police officers</p> <p>10 trained at all on whether they should or should not</p> <p>11 attempt to use a vehicle against somebody who is on</p> <p>12 a two-wheeled vehicle like a motorcycle, a motor</p> <p>13 bike?</p> <p>14 A. Right. You're not allowed -- well,</p> <p>15 we're not allowed to strike any vehicles.</p> <p>16 Q. Well, the reason I ask that is I know</p> <p>17 there's something called the precision intervention</p> <p>18 technique or maneuver that is sometimes used by</p> <p>19 police officers. Right?</p> <p>20 A. Not in Philadelphia.</p> <p>21 Q. Not in Philadelphia, you don't do it?</p> <p>22 A. No.</p> <p>23 Q. Okay. You're familiar with what that</p> <p>24 is, though. Correct?</p>

<p>Page 44</p> <p>1 A. Yes, I am.</p> <p>2 Q. Okay. That's basically a situation</p> <p>3 where you would come up behind a car and sort of get</p> <p>4 it from the corner and it makes the driver lose</p> <p>5 control and it forces the car to stop.</p> <p>6 I know you say Philadelphia, it's</p> <p>7 prohibited for use, but that's the general sense of</p> <p>8 what it's supposed to do. It's supposed to be able</p> <p>9 to get the fleeing vehicle to stop. Right?</p> <p>10 A. I guess, generally. Generally, yes.</p> <p>11 Q. Okay. Now that's something that you</p> <p>12 would do against a passenger car or something of the</p> <p>13 like. Right? You wouldn't try that against a</p> <p>14 two-wheeled vehicle because it's a whole different</p> <p>15 degree of risk. Isn't that fair to say?</p> <p>16 MR. KANE: Objection to form.</p> <p>17 THE WITNESS: I would agree with that,</p> <p>18 yes.</p> <p>19 BY MR. LEVIN:</p> <p>20 Q. Okay. Moving onto the next page.</p> <p>21 Here's where Officer Wolk is describing what happens</p> <p>22 on Scattergood Street when he gets out ahead of the</p> <p>23 motor scooter. He told you he pulled alongside the</p> <p>24 motor scooter on Scattergood Street, told the</p>	<p>Page 46</p> <p>1 Officer Wolk to take this statement, had you already</p> <p>2 obtained video that showed this segment of the</p> <p>3 pursuit?</p> <p>4 MR. KANE: Objection to form. You can</p> <p>5 answer.</p> <p>6 THE WITNESS: Yes, I have.</p> <p>7 BY MR. LEVIN:</p> <p>8 Q. Okay. It's a pretty clear video, I</p> <p>9 believe, from across the street that shows the</p> <p>10 sequence of events. Right?</p> <p>11 A. Yes.</p> <p>12 Q. So by this time, you've been able to</p> <p>13 confirm for yourself that there's this other vehicle</p> <p>14 that sort of pulls to the side and let's this all</p> <p>15 take place and then pulls out after the motor</p> <p>16 scooter before Officer Wolk can get back into his</p> <p>17 car. Correct?</p> <p>18 MR. KANE: Objection to form. You can</p> <p>19 answer.</p> <p>20 THE WITNESS: Yes, that's what it</p> <p>21 looks like.</p> <p>22 BY MR. LEVIN:</p> <p>23 Q. All right. So when he initially gave</p> <p>24 his statement to IAD, Officer Wolk made no mention</p>
<p>Page 45</p> <p>1 operator stop before he gets himself hurt. The</p> <p>2 irony is not lost on me.</p> <p>3 The operator stops the motor scooter</p> <p>4 and Police Officer Wolk pulled in front of the motor</p> <p>5 scooter, exits his vehicle, approached the operator</p> <p>6 at the rear of the police vehicle. And as Police</p> <p>7 Officer Wolk approached, the motorcyclist began to</p> <p>8 push his motor scooter backwards. He grabs him by</p> <p>9 the shirt and the motorcyclist was able to</p> <p>10 accelerate the motor scooter and get away by turning</p> <p>11 northbound on Eadom.</p> <p>12 Now that sounds like it was pretty</p> <p>13 much consistent with what he had told IAD earlier, I</p> <p>14 believe. Fair to say?</p> <p>15 MR. KANE: Objection to form.</p> <p>16 THE WITNESS: That's fair.</p> <p>17 BY MR. LEVIN:</p> <p>18 Q. Okay. However, he then goes on to add</p> <p>19 some detail, which he didn't provide earlier.</p> <p>20 Right? He starts talking about he sees this person,</p> <p>21 Gary, who he knows in the alley on Scattergood</p> <p>22 Street?</p> <p>23 A. Yeah. Yes.</p> <p>24 Q. Now by the time that you sat down with</p>	<p>Page 47</p> <p>1 of seeing this other individual or his vehicle</p> <p>2 whatsoever. Did he?</p> <p>3 MR. KANE: Objection to form. You can</p> <p>4 answer.</p> <p>5 THE WITNESS: I didn't see it in the</p> <p>6 statement, no.</p> <p>7 BY MR. LEVIN:</p> <p>8 Q. Okay. He certainly didn't indicate</p> <p>9 that this was a person who he knew. Right?</p> <p>10 MR. KANE: Same objection. You can</p> <p>11 answer.</p> <p>12 THE WITNESS: Well, if he never said</p> <p>13 it, yeah.</p> <p>14 BY MR. LEVIN:</p> <p>15 Q. It follows, right, yes. So that's new</p> <p>16 information that he hadn't previously provided.</p> <p>17 Right?</p> <p>18 MR. KANE: Objection to form.</p> <p>19 THE WITNESS: Correct.</p> <p>20 BY MR. LEVIN:</p> <p>21 Q. It's now four months after the fact of</p> <p>22 this incident and that's the first time that as far</p> <p>23 as we can see anything of that nature came out of</p> <p>24 Officer Wolk's mouth to anybody in the department?</p>

<p>Page 48</p> <p>1 MR. KANE: Objection to form. You can 2 answer. 3 THE WITNESS: I can't say to anybody. 4 We're talking IAD and me. I can't talk about 5 everyone else. 6 BY MR. LEVIN: 7 Q. Well, obviously, we can only talk 8 about what we know about. It's just you and IAD and 9 this is information that was not supplied earlier. 10 Right? 11 A. Correct. 12 Q. Okay. 13 MR. KANE: Same objection. 14 BY MR. LEVIN: 15 Q. Now when you're sitting down with 16 Officer Wolk having already seen the video, so you 17 knew what had happened with this other vehicle and 18 everything, were you surprised when he indicated 19 that he knew this person? 20 MR. KANE: Objection. You can answer. 21 THE WITNESS: I don't remember what 22 reaction I had. 23 BY MR. LEVIN: 24 Q. Did it raise any questions in your</p>	<p>Page 50</p> <p>1 turn south onto James Street. As he was doing that, 2 he saw the accident already occurring. So he goes 3 further down to the intersection and calls in the 4 accident. All that is pretty much consistent with 5 what he had previously told IAD. Right? 6 MR. KANE: Objection. You can answer. 7 THE WITNESS: I believe so, yes. 8 BY MR. LEVIN: 9 Q. Okay. So based on just the witness 10 statements and everything that you had reviewed to 11 date, did it appear to you that there had been some 12 violation of departmental policy? 13 A. Yes. 14 Q. Ultimately, it was determined that 15 Officer Wolk had committed -- well, let me rephrase 16 that. It was ultimately determined that he had 17 violated Directive 9.4 in several respects. Right? 18 A. Correct. 19 Q. Okay. Could you sort of run down for 20 me the specific ways in which he violated the 21 applicable directive? 22 A. Off the top of my head, the reason for 23 the pursuit, the failure to notify police radio, the 24 failure to utilize the equipment, the emergency</p>
<p>Page 49</p> <p>1 mind? 2 A. I asked some questions about it, yes. 3 I wanted to investigate it. 4 Q. We'll get to the statement. So if you 5 don't recall while we're sitting here now, we'll get 6 to it shortly. 7 You asked if there was any contact 8 between the two of them while this was going on. 9 Didn't you? 10 A. Yes, I did. 11 Q. And he denied that. Right? 12 A. Correct. 13 Q. Was anything further done to look into 14 that, whether or not there had been any 15 communication? 16 A. He denied it to me and I also 17 attempted to interview Mr. Bove, but he failed to 18 cooperate. 19 Q. So in any event, he then relates the 20 rest of it that after Gary takes off after the motor 21 scooter, he's following behind on Eadom. Officer 22 Wolk reaches Fraley Street, goes eastbound toward 23 Tacony. 24 At one point, he actually began to</p>	<p>Page 51</p> <p>1 equipment, which would be the siren and overhead 2 lights, and the reporting of the pursuit. 3 Q. Okay. The vehicle he was in, it was 4 an SUV. Right? That's not supposed to be one of 5 the vehicles that engages? 6 A. Correct. 7 Q. Okay. Going down to the portion of 8 this that begins on Page 10. This basically goes 9 down the various manners in which the directive was 10 violated. Right? 11 A. Correct. 12 Q. Okay. Now towards the end of this, 13 it's actually, signed the conclusion portion, by 14 Deborah Francis who I understand is the commanding 15 officer at IAD. Is that correct? Do I have that 16 right? 17 A. At the time, she was commanding 18 officer of internal affairs. She's currently chief 19 inspector now. 20 Q. Okay. Now I guess my question is 21 because I see up until that point, I saw pretty much 22 your work product. We've already discussed that. 23 You've signed off on it. It's approved by Danielle 24 Vales who is the captain at IAD. Then you have the</p>

<p>1 conclusion section, which is a page and a half, and 2 Deborah Francis signs off on it. 3 Was the conclusion section authored by 4 you and then edited by her or it has to be finalized 5 by her? How come it's her name as opposed to yours 6 on that section? 7 A. The conclusion is ultimately the 8 responsibility of the commanding officer of internal 9 affairs, the inspector or staff inspector. 10 As far as the conclusion itself, it's 11 mostly authored by me, but it's her document in the 12 end. So she or any of the inspectors, the 13 commanding officers, can make whatever changes they 14 wish and however they want. 15 Q. Okay, very good. I'm going to go 16 through some stuff. Bear with me because a lot of 17 this stuff we can skip past. 18 Beginning on Page 14, we're just going 19 to go through this. You'd already discussed what 20 Mr. Mattos related to you in summary, but would I be 21 correct this is the transcript of your recorded 22 interview with him? 23 A. Yes, that is. 24 Q. Okay. You actually did the recording</p>	Page 52	<p>1 years and he denies he had any kind of communication 2 with Bove during the course of this. Right? Well, 3 hold on. You specifically asked him, this is what I 4 wanted to get to, did you request any help from or 5 the assistance of Gary Bove in stopping the 6 motorcycle or the motor scooter and he told you no. 7 At the time, did you have any 8 questions about whether Officer Wolk was being 9 honest with you on that score? 10 A. Say that again. 11 Q. When Officer Wolk denied any type of 12 communication or coordination with Gary Bove, did 13 you have any questions based on his demeanor about 14 whether he was being forthcoming with you? 15 MR. KANE: Objection to form. You can 16 answer. 17 THE WITNESS: I had no reason to not 18 believe him. 19 BY MR. LEVIN: 20 Q. Okay. Fairly odd circumstance, 21 though. Wouldn't you agree? 22 MR. KANE: Objection to form. You can 23 answer. 24 THE WITNESS: I mean, it can look odd,</p>	Page 54
<p>1 and you interviewed the witness. Right? 2 A. Correct. 3 Q. He told you his story about seeing the 4 vehicles proceeding down the street and so forth. 5 Now beginning on Page 17, this is your interview 6 with Officer Wolk. Correct? 7 A. Correct. 8 Q. Also recorded and this is just a 9 straight transcription? 10 A. Yes. 11 Q. All right. It looks like the witness 12 who actually signed on this Danielle Nitti, Esquire. 13 I'm assuming that was Officer Wolk's attorney? 14 A. Yes. 15 Q. So he had the right to counsel and 16 counsel was present when he spoke to you. Right? 17 A. Correct. 18 Q. Now on Page 20, this is the discussion 19 that we just talked about a few minutes ago when you 20 were asking him about Gary Bove who was the operator 21 of the other vehicle that is seen at least following 22 after the scooter that various points. 23 Now Officer Wolk told you that he's a 24 local tow truck operator he's known for a number of</p>	Page 53	<p>1 yes. 2 BY MR. LEVIN: 3 Q. I mean, it's not typical for a 4 civilian who happens to know the pursuing officer to 5 insert himself into the middle of the action. Is 6 it? 7 MR. KANE: Objection to form. 8 THE WITNESS: You asked typical? 9 BY MR. LEVIN: 10 Q. Yes. Is that something you run into a 11 lot, civilian just sort of joining in with the 12 police? 13 MR. KANE: Same objection. You can 14 answer. 15 THE WITNESS: It's nothing that you 16 see a lot, no. 17 BY MR. LEVIN: 18 Q. But, again, even though you tried, 19 Mr. Bove never responded to your inquiries to sort 20 of probe at that further. Right? 21 A. Correct. 22 Q. Let me skip to the videos. Bear with 23 me for a moment. This is a portion of the package 24 beginning on Page 57, which is headed Video</p>	Page 55

<p>Page 56</p> <p>1 Timeline.</p> <p>2 It appears to be a narrative</p> <p>3 description of the various videos that were</p> <p>4 recovered and showing portions of this. Do you know</p> <p>5 who prepared the timeline?</p> <p>6 A. I did.</p> <p>7 Q. Okay. So this is you making notes of</p> <p>8 what happens when after looking at all the various</p> <p>9 pieces of video. Right?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. Did you review any of that</p> <p>12 video in preparation for your testimony today?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Can you tell me which videos</p> <p>15 you reviewed or was it all of them?</p> <p>16 A. No, I looked at the one from the</p> <p>17 arsenal complex looking westbound. I looked at the</p> <p>18 video in front of I think it was 5343 Eadom. I</p> <p>19 think that was one of the addresses I obtained video</p> <p>20 from.</p> <p>21 Q. This one?</p> <p>22 A. This one, yes.</p> <p>23 Q. Just so that we're all on the same</p> <p>24 page, that's on Page 58. There's a residential</p>	<p>Page 58</p> <p>1 Eadom, which would be heading towards Bridge Street,</p> <p>2 with the police SUV traveling on his left side</p> <p>3 alongside the scooter. Two seconds later, it shows</p> <p>4 the police SUV veering right forcing the scooter</p> <p>5 into the parking lot.</p> <p>6 We started to touch on this a little</p> <p>7 bit, the maneuver of he's alongside the scooter,</p> <p>8 veers right. That involves some risk of contacting</p> <p>9 the scooter. Correct?</p> <p>10 MR. KANE: Objection to form.</p> <p>11 THE WITNESS: I guess any driving</p> <p>12 behind, next to, runs the risk of contacting the</p> <p>13 scooter.</p> <p>14 BY MR. LEVIN:</p> <p>15 Q. Okay.</p> <p>16 A. Or any vehicle that you're following,</p> <p>17 chasing, driving next to. There's always a risk.</p> <p>18 Q. Right. But when you're driving in the</p> <p>19 vicinity of a two-wheeled vehicle, there's some</p> <p>20 additional risks to that rider from contact with</p> <p>21 another vehicle as opposed to if a person is inside</p> <p>22 of a passenger vehicle or some other four-wheeled</p> <p>23 vehicle. Correct?</p> <p>24 MR. KANE: Objection to form. You can</p>
<p>Page 57</p> <p>1 camera listed at 5343 Eadom. That's one that you</p> <p>2 reviewed. Right?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. This is the one I wanted to ask</p> <p>5 you about. Did you happen to review this one, at</p> <p>6 the bottom of Page 57, there's -- I believe it's one</p> <p>7 of multiple cameras at one commercial location,</p> <p>8 which may be the storage place that we've talked</p> <p>9 about. I'm not sure.</p> <p>10 It's listed as Camera 5, which I guess</p> <p>11 it probably shows on the screen as Camera 5. Is</p> <p>12 that your recollection?</p> <p>13 A. I, honestly, don't remember.</p> <p>14 Q. All right. Do you know if this is one</p> <p>15 that you looked at in preparation for your</p> <p>16 testimony?</p> <p>17 A. I don't think I looked at that one.</p> <p>18 There's some that I -- that the video player changed</p> <p>19 and I couldn't get them opened.</p> <p>20 Q. Okay. I just want to go through sort</p> <p>21 of what this shows. We don't need to be too</p> <p>22 concerned with the time.</p> <p>23 The first thing relative to this chase</p> <p>24 that's shown is scooter observed southbound on 5400</p>	<p>Page 59</p> <p>1 answer, if you know.</p> <p>2 THE WITNESS: I would say there's</p> <p>3 always a risk.</p> <p>4 BY MR. LEVIN:</p> <p>5 Q. Okay. Well, motorcyclists and scooter</p> <p>6 riders are a little bit more vulnerable than</p> <p>7 passengers in cars and SUVs. Isn't that fair to</p> <p>8 say?</p> <p>9 MR. KANE: Same objection.</p> <p>10 THE WITNESS: They're more vulnerable</p> <p>11 in what way?</p> <p>12 BY MR. LEVIN:</p> <p>13 Q. To serious injury in the event of a</p> <p>14 collision with another vehicle.</p> <p>15 MR. KANE: Same objection. You can</p> <p>16 answer.</p> <p>17 THE WITNESS: There's a lot of</p> <p>18 variables I guess you would have to consider with a</p> <p>19 collision. So, you know, are you comparing apples</p> <p>20 to apples? You know, that's a -- I can't really</p> <p>21 answer.</p> <p>22 BY MR. LEVIN:</p> <p>23 Q. Well, I mean, as I'm driving to work,</p> <p>24 I rarely find myself next to a scooter and suddenly</p>

<p style="text-align: right;">Page 60</p> <p>1 veering right to force that person into another lane 2 of travel or an adjacent property, but that's 3 depicted in this video. Correct? 4 MR. KANE: Objection to form. You can 5 answer. 6 THE WITNESS: Pretty much, yes. 7 BY MR. LEVIN: 8 Q. Okay. So you have an individual in an 9 SUV alongside an individual on a scooter who then 10 sharply turns right and the rider of the scooter has 11 to sharply turn right to avoid contact with the SUV 12 at that point. Right? 13 A. Correct. 14 Q. It even says, "he veers right forcing 15 the scooter into the parking lot." If he did not 16 make the evasive maneuver, he could have contacted 17 the SUV and there could have been a serious injury. 18 Correct? 19 MR. KANE: Objection to form. 20 Speculation, but you can answer if you can. 21 THE WITNESS: I can't answer that. I 22 don't know. 23 BY MR. LEVIN: 24 Q. Let me do this, I'm going to show you</p>	<p style="text-align: right;">Page 62</p> <p>1 oriented towards the right and it looks like perhaps 2 the scooter rider maybe has a leg out on the 3 right-hand side? 4 MR. KANE: Objection. You can answer 5 if you can. 6 THE WITNESS: That's hard to 7 determine. 8 BY MR. LEVIN: 9 Q. Okay, fair enough. Now next, the 10 fifth screen grab, I think it looks a little bit 11 more pronounced where you can now see the right rear 12 direction of the SUV and it looks like the motor 13 scooter rider is leaning off to the right and 14 perhaps has his leg out. Is that more clear from 15 there? 16 MR. KANE: Same objection. You can 17 answer if you can. 18 THE WITNESS: That's so blurry. I 19 can't quite tell. 20 BY MR. LEVIN: 21 Q. Okay. Can you tell from the sixth 22 image here if we're seeing what I just described? 23 MR. KANE: Same objection. 24 THE WITNESS: That's very blurry.</p>
<p style="text-align: right;">Page 61</p> <p>1 screen grabs from that particular video. We will 2 mark these as Plaintiff's Exhibit 2. I apologize 3 for the resolution. It's a security camera. 4 This is trying to detail a portion of 5 the screen. However, I'll represent to you I think 6 this roughly lines up with what you have listed as 7 sort of the first event in the sequence, the SUV on 8 the left side of the scooter alongside of him. Does 9 that seem accurate? 10 A. Yes. 11 Q. Okay. These are just sequences a 12 couple of frames apart. In the next screenshot, it 13 looks like the police SUV is maybe getting a little 14 bit ahead of the scooter. Do you see what I'm 15 referring to? 16 A. Yes. 17 Q. On this third page of the next shot, 18 you can see it appears that maybe this is the part 19 where the SUV is starting to veer over to its right 20 and it looks like maybe there is a break light lit 21 up on the back of the scooter. Is that fair? 22 A. That looks accurate. 23 Q. Now in the next frame, this is hard to 24 see. It seems we now see the SUV a little bit more</p>	<p style="text-align: right;">Page 63</p> <p>1 It's hard to make out. 2 BY MR. LEVIN: 3 Q. Okay. Can you make out the right rear 4 of the motor scooter? 5 MR. KANE: Same objection. 6 THE WITNESS: It's too blurry for me 7 to really tell. 8 BY MR. LEVIN: 9 Q. Okay. Does the SUV appear oriented 10 more towards the right, like it's turning right? 11 A. It does. 12 Q. When you looked at the video, you 13 characterized this as it veers over to the right 14 forcing the motor scooter into the parking lot. 15 Correct? 16 A. Correct. 17 Q. We can see the parking lot there on 18 the right-hand side of this image? 19 A. Correct. 20 Q. This is very, very blurry because, 21 again, it's moving and has low resolution, but this 22 also shows -- the seventh page of this shows the SUV 23 turning towards the right. Correct? 24 MR. KANE: Objection to form.</p>

<p>1 THE WITNESS: I mean, it appears off 2 to the right. 3 BY MR. LEVIN: 4 Q. Okay. Finally, this page, Page 8, 5 we're not even able to see the scooter in this frame 6 from what I can see, but you can see the SUV turning 7 more towards the right? 8 A. It appears that way, correct. 9 Q. Okay. There seems to be a tree in the 10 foreground that's blocking part of the image. Is 11 that fair to say? 12 A. Yes. 13 Q. On Page 9 of this sequence, it appears 14 here that the SUV is now turning into the parking 15 lot and I think that we can see the motor scooter 16 popping out sort of behind some of the parked cars 17 on the right-hand side of the image. Do you see 18 what I'm referring to? 19 A. I see the police car. It looks like 20 it's on the sidewalk or on the parking lot apron. I 21 can't make out the scooter. 22 Q. Okay, fair enough. We don't need to 23 get any further into that. 24 Do those screen grabs appear to be</p>	Page 64	<p>1 A. H 14, yes. They do look like they're 2 the photos I took. 3 Q. Okay, great. I know that the report 4 ultimately concludes that there was no sign of the 5 actual collision between the motor scooter and 6 Officer Wolk's vehicle. 7 I did have one question. In this 8 image, which is on Page 110 of the defense document 9 production, there appears to be like a scrape or a 10 scuff mark on like the right rear quarter panel of 11 the SUV. 12 Do you know if that may have been 13 caused by the sequence that we just saw with the SUV 14 turning and forcing the motor scooter into the 15 parking lot? 16 MR. KANE: Objection to form. 17 THE WITNESS: I have no idea where 18 that came from. 19 BY MR. LEVIN: 20 Q. Was that something that you considered 21 or it wasn't even something you really thought 22 about? 23 A. Honestly, I don't remember even seeing 24 any scratches, dents, smudges, smears anything on</p>	Page 66
<p>1 from the same video that we were talking about that 2 was looking down the 5400 block of Eadom that you 3 have summarized here? 4 A. It appears so, yes. 5 Q. Okay. Now at some point, the two 6 vehicles -- excuse me, the police vehicle and the 7 motor scooter were both photographed. Would that 8 have been done by the accident investigation 9 division? 10 A. I photographed the police vehicle. 11 Q. You did, okay. 12 A. Yes. I did go and photograph the 13 police vehicle. 14 MR. KANE: They were the pictures that 15 were in the packet, Michael. 16 MR. LEVIN: Yes, that's what I'm 17 getting to. 18 BY MR. LEVIN: 19 Q. Okay. So I'm just going to run 20 through a series of them and ask if these are the 21 photographs you took. 22 Beginning on Page 109, which is where 23 we are now, there's a series of photos. This is the 24 vehicle that Officer Wolk was driving. Correct?</p>	Page 65	<p>1 that police car. 2 Q. Okay. Did you see what I was 3 referring to just then, though? 4 A. I saw that in the photograph, yes. 5 Q. Okay. But you can't say as we sit 6 here that you have an opinion on where or what it's 7 from. Right? 8 A. Correct. 9 Q. Do you know if that vehicle is still 10 in service? 11 A. I'm sorry? 12 Q. Do you know if that vehicle is still 13 in service? 14 A. I have no knowledge of that. 15 Q. All right. Fair enough. Now going 16 back to the memo. Ultimately, in the conclusion 17 portion, we've discussed that various violations of 18 Directive 9.4 were found. 19 The last closing sentence in the 20 report indicates that it's to be sent to the 21 commanding officer for the Police Board of Inquiry 22 for necessary action, which I understand that's the 23 procedure to forward the findings of your 24 investigation on to the body that basically gives</p>	Page 67

<p>1 out discipline or not. Correct?</p> <p>2 A. That's where it'll ultimately end up</p> <p>3 after it goes through the chain of command.</p> <p>4 Q. Okay. Do you know one way or the</p> <p>5 other whether there was any action, disciplinary</p> <p>6 action, taken by the PBI with regard to this</p> <p>7 incident?</p> <p>8 A. I have no knowledge.</p> <p>9 Q. Okay. If there had been, would that</p> <p>10 be something that would come to your attention in</p> <p>11 the normal course or no?</p> <p>12 A. It's yes and no. Yes and no is really</p> <p>13 my answer. I'll just tell you if it's one of these</p> <p>14 things where it goes and there becomes a hearing,</p> <p>15 like a not guilty type of hearing, I very well might</p> <p>16 be brought down to testify. But if it's adjudicated</p> <p>17 before that or some other way, then, no, I wouldn't</p> <p>18 be brought in.</p> <p>19 Q. Okay. So you're not necessarily going</p> <p>20 to just be uniformly notified. You would find out</p> <p>21 if you were called upon to testify and offer some</p> <p>22 participation in the hearing itself. Right?</p> <p>23 A. Correct.</p> <p>24 Q. All right. Now we discussed that</p>	<p>Page 68</p>	<p>1 avoid him. The second part is where the Bove</p> <p>2 vehicle sort of ends up in the sequence of events</p> <p>3 from Scattergood Street onto the conclusion of the</p> <p>4 chase.</p> <p>5 Did you draw any conclusions from the</p> <p>6 fact that those two particular things had been</p> <p>7 omitted earlier?</p> <p>8 MR. KANE: Objection to form. You can</p> <p>9 answer.</p> <p>10 THE WITNESS: No, I didn't draw any</p> <p>11 conclusions from that.</p> <p>12 BY MR. LEVIN:</p> <p>13 Q. Did you believe there was a</p> <p>14 possibility that Officer Wolk had previously been</p> <p>15 trying to conceal those portions of the sequence of</p> <p>16 events from IAD?</p> <p>17 MR. KANE: Objection to form. You can</p> <p>18 answer.</p> <p>19 THE WITNESS: I have no reason to</p> <p>20 believe that he was trying to conceal anything.</p> <p>21 BY MR. LEVIN:</p> <p>22 Q. A knowing material omission when he</p> <p>23 was speaking to you would have been grounds for</p> <p>24 potentially severe discipline. Correct?</p>	<p>Page 70</p>
<p>1 there were additional details that were provided to</p> <p>2 you during your interview with Officer Wolk above</p> <p>3 and beyond what he had indicated to IAD initially.</p> <p>4 Is that fair to say?</p> <p>5 MR. KANE: Objection to form. You can</p> <p>6 answer.</p> <p>7 THE WITNESS: Can you repeat that</p> <p>8 again?</p> <p>9 BY MR. LEVIN:</p> <p>10 Q. Yes. I think we already touched on</p> <p>11 this, but just to circle back on it. When you</p> <p>12 interviewed Officer Wolk and took his statement, he</p> <p>13 provided some additional details to you, which he</p> <p>14 had not previously offered in his statement to IAD.</p> <p>15 Right?</p> <p>16 MR. KANE: Objection to form. You can</p> <p>17 answer.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. LEVIN:</p> <p>20 Q. Okay. Unless I'm missing something,</p> <p>21 it seems like those details concern two particular</p> <p>22 pieces of the sequence of events, the first being</p> <p>23 that sequence where he makes the right turn and the</p> <p>24 motor scooter has to turn into the parking lot to</p>	<p>Page 69</p>	<p>1 A. Correct.</p> <p>2 Q. All right. I don't believe I have</p> <p>3 anything else.</p> <p>4 MR. KANE: Give me a second. I don't</p> <p>5 think I do, but let me double-check. I have no</p> <p>6 questions. Thank you for your time.</p> <p>7 (Witness excused.)</p> <p>8 (Deposition concluded at 2:21 p.m.)</p> <p>9 (Whereupon the documents were post-marked, for</p> <p>10 identification purposes, as Plaintiffs 1 and</p> <p>11 Plaintiff 2.)</p>	<p>Page 71</p>

C E R T I F I C A T E

I, Natalie J. Goldhill, a Court Reporter and Notary Public, Chester County, Pennsylvania, do hereby certify that the witness was by me first duly sworn to testify to the whole truth and that the above deposition was recorded stenographically by me and was transcribed by means of computer-aided transcription under my personal direction and that the said deposition constitutes a true record of the testimony given by said witness.

I further certify that I am not a relative or employee of any of the parties, a relative or employee of any attorney involved in this action, or financially interested directly or indirectly in this action.

Natalie J. Goldhill, Notary Public
Chester County, Pennsylvania and
New Castle County, Delaware

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< 0 >	5343 (2)	advised (1)	attached (1)
0006 (1)	5400 (3)	Affairs (18)	attempt (7)
001 (1)	57 (2)	afternoon (1)	attempted (2)
003 (1)	5-7-19 (1)	ago (1)	attempting (1)
004 (1)	58 (1)	agree (7)	attempts (4)
01 (1)	5-8-19 (1)	AGREED (1)	attention (2)
	< 6 >	ahead (8)	attorney (2)
	683-5382 (1)	AID (1)	audio (2)
< 1 >		air (3)	authenticate (1)
1 (3)	< 7 >	al (1)	authored (2)
1:00 (1)	7 (1)	allegation (1)	auto (1)
10 (2)	7:25 (1)	allegations (1)	avoid (2)
109 (1)	7:30 (1)	alley (1)	aware (6)
11:00 (1)	71/61 (1)	allowed (6)	
110 (1)	71/7 (1)	alongside (7)	< B >
1210 (1)	7th (1)	Analysis (1)	back (10)
14 (3)		Anderson (1)	backed (1)
14th (1)	< 8 >	answer (40)	backwards (2)
1515 (1)	8 (1)	anti-crime (1)	band (1)
17 (2)		anybody (7)	Bar (3)
189 (1)	< 9 >	anybody's (1)	based (5)
19053 (1)	9 (1)	apart (1)	basically (7)
19102 (1)	9.4 (3)	apologize (1)	basics (1)
1989 (1)	953-5200 (1)	apparently (1)	basis (1)
	9th (1)	appear (4)	Bates (1)
< 2 >		appeared (1)	Bear (2)
2 (3)	< A >	appears (11)	bearings (1)
2:20-cv-06301-ER (1)	a.m (1)	apples (2)	began (4)
2:21 (1)	able (5)	applicable (2)	Beginning (7)
20 (1)	Absent (1)	approach (1)	begins (2)
2003 (1)	academy (1)	approached (3)	believe (17)
2007 (2)	accelerate (1)	approaches (1)	believed (2)
2015 (1)	accident (16)	approaching (1)	believing (1)
2019 (3)	accompanied (1)	approved (1)	best (2)
2023 (1)	accurate (3)	approximately (1)	beyond (1)
215 (2)	accurately (1)	apron (1)	big (1)
26th (2)	action (6)	Arch (1)	bike (6)
280 (1)	actions (1)	area (5)	bit (10)
< 3 >	activated (3)	arrested (2)	blind (4)
3rd (1)	actual (4)	arrives (1)	block (2)
	add (3)	arsenal (1)	blocking (1)
< 4 >	added (1)	asked (6)	blow (1)
4 (1)	additional (5)	asking (5)	blue (1)
4th (1)	address (1)	assigned (7)	blurry (4)
	addresses (1)	assignments (1)	Board (1)
< 5 >	adjacent (1)	assistance (1)	body (1)
5 (2)	adjudicated (1)	ASSOCIATES (1)	bottom (1)
	Administrators (1)	assume (1)	Bove (16)
		assuming (6)	break (1)

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briefly (1)	collide (1)	continued (1)	describe (1)
broke (1)	collided (1)	continues (2)	described (3)
brought (2)	collision (6)	control (1)	describes (1)
Building (1)	come (4)	conversation (1)	describing (4)
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< C >	command (1)	cooperate (1)	detail (4)
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case (2)	communication (3)	course (3)	direction (3)
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catching (1)	comparing (1)	criminal (4)	directly (1)
caused (1)	Complaint (1)	criminally (1)	dirt (3)
Center (1)	complex (1)	current (1)	disciplinary (1)
certain (1)	computer (1)	currently (2)	discipline (2)
certainly (6)	computer-aided (1)	curve (6)	discovered (2)
certify (2)	computerized (1)	cut (1)	discuss (1)
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closing (1)	contacting (2)	derek.kane@Phila.gov	< E >
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part (10)	possibility (1)	putting (1)	rephrase (1)
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passengers (1)	potential (3)	quite (1)	Representing (3)
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patrol (5)	preceded (1)	radio (6)	requests (1)
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PBI (1)	preparation (3)	raised (1)	requirements (1)
PENNSYLVANIA (6)	prepare (2)	rank (1)	reserved (1)
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percent (1)	preparing (1)	reach (1)	resolution (2)
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personally (1)	prior (1)	realized (1)	responded (1)
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pertaining (1)	probe (1)	rear (6)	rest (1)
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sergeant (2)	sort (24)	suicidal (3)	time (16)
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